

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF WISCONSIN
GREEN BAY DIVISION

APPLETON PAPERS, INC., and
NCR CORPORATION,

Plaintiffs,

v.

Case No. 08-CV-16-WCG

GEORGE A. WHITING PAPER COMPANY,
ET AL.,

Defendants.

NCR CORPORATION,

Plaintiff,

v.

Case No. 08-CV-0895-WCG

KIMBERLY-CLARK CORPORATION,
ET AL.,

Defendants.

Deposition of BERNARD A. MERLINE

Thursday, April 23rd, 2009

9:03 a.m.

at

The Sierra Hotel
333 Main Street
Green Bay, Wisconsin

Reported by Sarah A. Hart, RPR/RMR/CRR

Page 2	Page 4
<p>1 Deposition of BERNARD A. MERLINE, a witness 2 in the above-entitled action, taken at the instance 3 of the Plaintiffs, pursuant to the Federal Rules of 4 Civil Procedure, pursuant to notice, before Sarah A. 5 Hart, RPR/RMR/CRR and Notary Public, State of 6 Wisconsin, at 333 Main Street, Green Bay, Wisconsin, 7 on the 23rd day of April, 2009, commencing at 9:03 8 a.m. and concluding at 12:19 p.m. 9 A P P E A R A N C E S: 10 HERMES LAW, LTD, by 11 Mr. Anthony J. Steffek 12 333 Main Street, Suite 601 13 Green Bay, Wisconsin 54301 14 Appeared on behalf of Plaintiff 15 Appleton Papers, Inc. 16 17 SIDLEY AUSTIN, LLP, by 18 Mr. Eric W. Ha 19 One South Dearborn Street 20 Chicago, Illinois 60603 21 Appeared on behalf of Plaintiff NCR 22 Corporation. 23 BALLARD SPAHR ANDREWS & INGERSOLL, LLP, by 24 Mr. Stephen Kovatis 25 1735 Market Street, 51st Floor Philadelphia, Pennsylvania 19103-7599 Appeared by phone on behalf of Defendant P.H. Glatfelter Company. HUNSUCKER GOODSTEIN & NELSON, PC, by Mr. Erik S. Mroz 21800 Oxnard Street, Suite 780 Woodland Hills, California 91367 Appeared by phone on behalf of Defendant and Third-Party Plaintiff Menasha Corporation.</p>	<p>1 E X A M I N A T I O N 2 BY MR. STEFFEK: 5 3 BY MR. HA: 77 4 BY MR. WASKOWSKI: 96 5 R E Q U E S T S 6 7 ITEM REQUESTED PAGE 8 Names of people who worked on the paper 26 9 machines as of 1974 10 11 P R E V I O U S L Y M A R K E D E X H I B I T S 12 EXHIBIT NO. PAGE IDENTIFIED 13 No. 253 2/8/07 Supplemental Response of 60 14 U.S. Paper Mills Corp. to Information 15 Request of United States Department of 16 the Interior, Fish and Wildlife Service 17 of 1996 18 (Copies of previously marked Exhibit 253 attached to original 19 and copies of transcript.) 20 21 EXHIBITS 22 EXHIBIT NO. PAGE IDENTIFIED 23 (There were no exhibits marked.) 24 25</p>
Page 3	Page 5
<p>1 JOHNSON & BELL, LTD., by 2 Mr. Daniel C. Murray 3 33 West Monroe Street, Suite 2700 4 Chicago, Illinois 60603-5404 5 Appeared by phone on behalf of Defendant 6 NewPage Wisconsin System, Inc. 7 8 STAFFORD ROSENBAUM, LLP, by 9 Mr. Ted Waskowski 10 222 West Washington Avenue, Suite 900 11 P.O. Box 1784 12 Madison, Wisconsin 53701-1784 13 Appeared by phone on behalf of Defendant 14 City of De Pere. 15 16 QUARLES & BRADY LLP, by 17 Mr. William H. Harbeck 18 411 East Wisconsin Avenue, Suite 2040 19 Milwaukee, Wisconsin 53202 20 Appeared on behalf of Defendant WTM I 21 Company. 22 REINHART BOERNER VAN DEUREN S.C., by 23 Mr. David E. Frank 24 Mr. Steven P. Bogart (by phone) 25 P.O. Box 2965 1000 North Water Street, Suite 2100 Milwaukee, Wisconsin 53202 Appeared on behalf of Third-Party Defendant U.S. Paper Mills Corporation. LATHAM & WATKINS, LLP, by Ms. Margrethe K. Kearney Sears Tower 233 South Wacker Drive, Suite 5800 Chicago, Illinois 60606 Appeared by phone on behalf of Defendants Georgia-Pacific Consumer Products LP, Georgia-Pacific LLC, Fort James Operating Company and Fort James Corporation. von BRIESEN & ROPER, S.C., by Ms. Susan E. Lovern Ms. Kelly Noyes 411 East Wisconsin Avenue, Suite 700 P.O. Box 3262 Milwaukee, Wisconsin 53201 Appeared by phone on behalf of Defendant CBC Coating, Inc.</p>	<p>1 T R A N S C R I P T O F P R O C E E D I N G S 2 BERNARD A. MERLINE, called as a witness 3 herein, having been first duly sworn on oath, was 4 examined and testified as follows: 5 6 E X A M I N A T I O N 7 BY MR. STEFFEK: 8 Q Please state your full name for the record, spelling 9 your last. 10 A First name is Bernard, middle initial is A. Andrew 11 is my middle name. Merline is my last name, 12 M-E-R-L-I-N-E. 13 Q Mr. Merline, I introduced myself before. My name is 14 Tony Steffek. I'm an attorney here in Green Bay, and 15 I represent Appleton Papers Inc. in this litigation. 16 Have you ever had your deposition taken before? 17 A No. 18 Q Okay. As you've never been in a situation like we 19 are today, there's a couple rules that we need to go 20 over before we get -- before we get going. First of 21 all, you'll see that we have a court reporter here 22 taking down everything everybody says. 23 A Um-hmm. 24 Q So because of that, I need you to verbalize all your 25 answers. Depositions can get very conversational, and sometimes one will nod your head or say uh-huh or</p>

<p style="text-align: right;">Page 30</p> <p>1 engineer.</p> <p>2 Q Did any employees work for or with Mr. Albers?</p> <p>3 A Well, the regular shop crew.</p> <p>4 Q Who was on the regular shop crew?</p> <p>5 A There was a John Lemmens. Right now I can't recall</p> <p>6 all the names.</p> <p>7 Q Was there an environmental department at U.S. Papers</p> <p>8 in the 1970s?</p> <p>9 A Not that I'm aware of.</p> <p>10 Q What about a research and development department?</p> <p>11 A I don't recall anything about that.</p> <p>12 Q Do you recall any departments working with wastewater</p> <p>13 produced at the De Pere mill?</p> <p>14 A Wastewater?</p> <p>15 Q Yes.</p> <p>16 A Not a department. Back in the '70s?</p> <p>17 Q Correct.</p> <p>18 A Not that I recall.</p> <p>19 Q When you started at U.S. Papers in 1974, what</p> <p>20 products did U.S. Paper produce?</p> <p>21 A We made what we called chipboard, a brown paper, and</p> <p>22 we also made white, the same -- the same type of</p> <p>23 paper, but it was white.</p> <p>24 Q So we have chipboard, which was brown, and white</p> <p>25 paper, which was --</p>	<p style="text-align: right;">Page 32</p> <p>1 Q What was the white paper used for?</p> <p>2 A It was sold to companies, and they made paper cores</p> <p>3 out of it.</p> <p>4 Q Could the white paper have been used to package food?</p> <p>5 A Not that I ever heard of.</p> <p>6 Q Do you know who U.S. Papers sold the white paper to?</p> <p>7 A Oh, various companies. Way back in the '70s, I'm not</p> <p>8 sure, but we -- over the years, we sold to Fort</p> <p>9 Howard, James River. I don't know how our customer</p> <p>10 base -- how many companies back then versus later</p> <p>11 years. I couldn't say that. But there was like</p> <p>12 Kimberly-Clark over the years. But back in the '70s,</p> <p>13 I don't recall how many, the number of companies.</p> <p>14 Q I'm going to list off some names to see if it</p> <p>15 refreshes your recollection as to who U.S. Paper sold</p> <p>16 white to in the 1970s, okay?</p> <p>17 A Good.</p> <p>18 Q Wisconsin Tissue?</p> <p>19 A I don't recall that name, no.</p> <p>20 Q International Paper?</p> <p>21 A I don't recall.</p> <p>22 Q A. Sturm & Son?</p> <p>23 A I'm sorry?</p> <p>24 Q A. Sturm & Son?</p> <p>25 A I don't recall that name.</p>
<p style="text-align: right;">Page 31</p> <p>1 A I -- I assume it was called chipboard also. It was</p> <p>2 for the same purpose.</p> <p>3 Q Just from here on out -- we are having a little</p> <p>4 trouble being too conversational -- so if I could ask</p> <p>5 you to wait for my questions to be finished, I would</p> <p>6 appreciate it.</p> <p>7 A Oh, I'm sorry.</p> <p>8 Q That's okay. The brown chipboard and the white</p> <p>9 paper, would you agree that these materials would be</p> <p>10 classified as paperboard?</p> <p>11 A No.</p> <p>12 Q Why not?</p> <p>13 A I just recall the word "chipboard."</p> <p>14 Q You don't recall hearing the word "paperboard"?</p> <p>15 A No.</p> <p>16 Q Now, the white product produced at U.S. Papers, did</p> <p>17 it have a specific name?</p> <p>18 A No, as I recall, we called it core stock also,</p> <p>19 because it was sold mainly for companies to make</p> <p>20 cores from.</p> <p>21 Q Were there various grades of white paper?</p> <p>22 A Different thicknesses.</p> <p>23 Q How many different thicknesses would be produced?</p> <p>24 A I can't recall how many. It was just a few different</p> <p>25 thicknesses.</p>	<p style="text-align: right;">Page 33</p> <p>1 Q Bergstrom Paper Company?</p> <p>2 A I don't recall that either.</p> <p>3 Q Nicolet Paper Company?</p> <p>4 A I don't recall that.</p> <p>5 Q The American Can Company?</p> <p>6 A Possibly American Can. I mean, that name comes to</p> <p>7 mind. But I didn't -- I don't recall making white</p> <p>8 paper for them.</p> <p>9 Q What about Pope & Talbot?</p> <p>10 A Pope & Talbot, that name is familiar. Pope & Talbot,</p> <p>11 but --</p> <p>12 Q Did -- sorry, I interrupted. What were you going to</p> <p>13 say?</p> <p>14 A Pope & Talbot, that name is -- I've heard it. But I</p> <p>15 couldn't say if it was white or brown paper.</p> <p>16 Q What about the Malt-O-Meal company?</p> <p>17 A I don't recall that name.</p> <p>18 Q And Westvaco?</p> <p>19 A I don't recall that name.</p> <p>20 Q National Can Company?</p> <p>21 A I'm not sure.</p> <p>22 Q Now, as of 1974, how many tons of white paper was</p> <p>23 U.S. Papers producing per day?</p> <p>24 MR. FRANK: Objection, foundation. You can</p> <p>25 answer. Go ahead.</p>

<p style="text-align: right;">Page 34</p> <p>1 THE WITNESS: I'm sorry?</p> <p>2 MR. FRANK: I'm just making an objection</p> <p>3 for the record. You can answer though.</p> <p>4 THE WITNESS: I have no idea.</p> <p>5 BY MR. STEFFEK:</p> <p>6 Q Was U.S. Papers producing white as of 1974?</p> <p>7 A Way back in the early years that I was on the</p> <p>8 hydrapulper in the -- that had to be in the '70s, I'm</p> <p>9 thinking, but '74 I don't recall. I would -- I don't</p> <p>10 recall making white and brown, when that started.</p> <p>11 Possibly they were making white in '74, but I can't</p> <p>12 say exactly.</p> <p>13 Q At some point, though, during your time at</p> <p>14 U.S. Papers, they produced white?</p> <p>15 A Oh, yes.</p> <p>16 Q Switching gears a little bit to the brown paper, did</p> <p>17 the brown paper produced at the De Pere mill have a</p> <p>18 specific name?</p> <p>19 A Chipboard. And I've heard the term "core stock,"</p> <p>20 meaning it was to be used for cores.</p> <p>21 Q Were there various grades of brown?</p> <p>22 A Different thicknesses.</p> <p>23 Q Do you remember what some of the thicknesses were?</p> <p>24 A 10-point, which was, I believe, 10 one-thousandths of</p> <p>25 an inch thick. 10-point -- back in '74 or in the</p>	<p style="text-align: right;">Page 36</p> <p>1 sure if we sold to a company called American Can or</p> <p>2 not, if we made paper for somebody like that, and if</p> <p>3 they used it or not. I'm trying to recall. Like the</p> <p>4 name American Can -- I'm not positive if we actually</p> <p>5 made it for them or not.</p> <p>6 MR. STEFFEK: We've been going for about an</p> <p>7 hour. Why don't we take a little break.</p> <p>8 (A break was taken at 10:03 a.m.)</p> <p>9 (Back on the record at 10:12 a.m.)</p> <p>10 BY MR. STEFFEK:</p> <p>11 Q Mr. Merline, before we went off the record, we were</p> <p>12 talking a little bit about the American Can Company.</p> <p>13 And I believe you testified as to the fact that you</p> <p>14 can't remember exactly whether U.S. Papers sold</p> <p>15 products to the American Can Company, but it sounds</p> <p>16 awfully familiar; is that correct?</p> <p>17 A The name sounds familiar, yeah.</p> <p>18 Q Do you remember working with an individual at</p> <p>19 U.S. Papers named Richard Keyser?</p> <p>20 A Oh, yes. Yes.</p> <p>21 Q We talked to Mr. Keyser, much like we're talking to</p> <p>22 you here today, and Mr. Keyser told us that American</p> <p>23 Can Company was a customer of U.S. Papers. Does that</p> <p>24 help refresh your recollection at all?</p> <p>25 A The name is familiar, but -- the name is familiar,</p>
<p style="text-align: right;">Page 35</p> <p>1 '70s?</p> <p>2 Q Starting in 1974 through the '70s.</p> <p>3 A 10-point, possibly 12-point. It went up. I'm</p> <p>4 thinking maybe 15-point. And we made what we called</p> <p>5 heavy weight, 20-point, possibly 24-point. Heavier</p> <p>6 sheets.</p> <p>7 Q Do you ever remember the sheets of brown being</p> <p>8 referred to as certain pound numbers?</p> <p>9 A At one time, it was -- yeah, there was a pound rather</p> <p>10 than points. I don't know when that came to be. But</p> <p>11 I remember that term.</p> <p>12 Q Do you remember what the poundage values were for the</p> <p>13 heavier paper that you just alluded to?</p> <p>14 A No, I don't.</p> <p>15 Q What was the brown paper used for?</p> <p>16 A Mainly it was sold for -- it was slit into ribbons</p> <p>17 and sold for core stock to make cores.</p> <p>18 Q Do you remember whether it was produced for anything</p> <p>19 else?</p> <p>20 A We sold to a company called Rayovac. I think it was</p> <p>21 Rayovac. And they made the paper cores for</p> <p>22 batteries, like flashlight batteries.</p> <p>23 Q The thicker, heavier brown paper produced, do you</p> <p>24 know what that would be used for?</p> <p>25 A We sold to -- I can't say for sure, but -- I'm not</p>	<p style="text-align: right;">Page 37</p> <p>1 like possibly we did, but I can't say positively.</p> <p>2 Q Could various grades of the brown paper be used to</p> <p>3 package food?</p> <p>4 A Package food? I wouldn't think so.</p> <p>5 Q Going back to Mr. Keyser, Mr. Keyser told us that</p> <p>6 U.S. Papers sold rounds of brown paper to American</p> <p>7 Can Company for use in their cans?</p> <p>8 A To what?</p> <p>9 Q For use in cans?</p> <p>10 A In cans?</p> <p>11 Q Yes. Does that refresh your recollection at all</p> <p>12 about whether U.S. Papers produced circles of the</p> <p>13 brown paper?</p> <p>14 A To use inside of cans?</p> <p>15 Q I'm just asking whether it refreshes your</p> <p>16 recollection as to whether circles of brown paper</p> <p>17 were produced at U.S. Papers.</p> <p>18 A You mean circular sheets?</p> <p>19 Q Yes.</p> <p>20 A I need just a moment here. It seems familiar that we</p> <p>21 made -- there's a term "headers," like it was</p> <p>22 circular sheets, headers, but I don't know how we</p> <p>23 would have made them, headers. The term "headers"</p> <p>24 comes to mind, but I always thought that headers went</p> <p>25 on the ends for protection on the ends of rolls for</p>

Page 38	Page 40
<p>1 paper. The term "headers" comes to mind, but --</p> <p>2 maybe we got them in. I don't know. I can't recall</p> <p>3 making circular sheets. Let me think. It seems to</p> <p>4 me -- I mean, I can kind of recollect now someone</p> <p>5 maybe cutting circles on the bandsaw, like. Maybe</p> <p>6 cutting headers on a bandsaw. That's how I -- I was</p> <p>7 trying to think how we could have made them. But I</p> <p>8 kind of recollect somebody cutting circles on a --</p> <p>9 maybe out of squares, cutting them in circles in</p> <p>10 stacks.</p> <p>11 Q And that was brown paper?</p> <p>12 A I think so. I don't recall white, no.</p> <p>13 Q Would you have any reason to doubt Mr. Keyser's</p> <p>14 testimony that U.S. Papers produced circular rounds</p> <p>15 of brown paper for the American Can Company?</p> <p>16 A I would have no reason for him saying we made them,</p> <p>17 but where they went to, I don't recall.</p> <p>18 Q You would have no reason to doubt that part of his</p> <p>19 testimony either, that they were sold to American Can</p> <p>20 Company?</p> <p>21 A No, I couldn't say they didn't, no.</p> <p>22 Q Do you remember who the customers were in the 1970s</p> <p>23 who bought brown paper from U.S. Papers?</p> <p>24 A The names come to mind way back. James River, Fort</p> <p>25 Howard. Local ones. But I couldn't -- oh, way back.</p>	<p>1 Q Now, as of 1974, do you know how much brown paper</p> <p>2 U.S. Papers was producing at the De Pere mill per</p> <p>3 day?</p> <p>4 A No.</p> <p>5 Q At any time during the 1970s, do you know how much</p> <p>6 brown paper was being produced per day at the De Pere</p> <p>7 mill?</p> <p>8 A No.</p> <p>9 Q We had just been talking about the materials produced</p> <p>10 at U.S. Papers. I want to switch gears here a little</p> <p>11 bit and talk about what materials were needed to</p> <p>12 produce the final product. What types of materials</p> <p>13 did U.S. Paper use in its paper making process in</p> <p>14 1974 when you first started?</p> <p>15 A On the brown paper, we used corrugated boxes; crushed</p> <p>16 beer cases; kraft, what we called kraft or</p> <p>17 wet-strength kraft, like from pop cartons; beer</p> <p>18 cartons.</p> <p>19 And to make brown paper, we -- we used</p> <p>20 those brown types of scrap that I just mentioned, and</p> <p>21 we mixed in what we called mixed, lighter -- lighter</p> <p>22 papers.</p> <p>23 Q I'll get back to those in a little bit. Have you</p> <p>24 ever heard the term "virgin pulp"?</p> <p>25 A I've heard the term, yeah.</p>
Page 39	Page 41
<p>1 That's so far back. All I remember is like local,</p> <p>2 Fort Howard, and was it Northern Paper mill called</p> <p>3 Northern in Green Bay. Some of these changed names</p> <p>4 over the years, and when they did that, I don't</p> <p>5 recall, see.</p> <p>6 Q Sure. I'm just going to go over some of the names</p> <p>7 again to see if it rings a bell with you. What about</p> <p>8 Bergstrom Paper Company?</p> <p>9 A Bergstrom? I don't recall that name.</p> <p>10 Q Nicolet Paper Company?</p> <p>11 A I don't recall that, making it for them, no.</p> <p>12 Q What about Pope & Talbot?</p> <p>13 A Pope & Talbot was a familiar name, but, again, when</p> <p>14 we made paper for Pope & Talbot, if it was back in</p> <p>15 the early '70s, that's -- yeah, that would be '74.</p> <p>16 30-some years ago. So I don't know what names</p> <p>17 corresponded to what years.</p> <p>18 Q What about the National Can Company?</p> <p>19 A The name -- can companies, I don't know if it was</p> <p>20 American Can or National Can, I'm not sure. I</p> <p>21 remember the names, but if we made it for them</p> <p>22 positively, I -- possibly.</p> <p>23 Q And with regard to the brown, does the Malt-O-Meal</p> <p>24 company ring a bell?</p> <p>25 A No.</p>	<p>1 Q What's your understanding of virgin pulp?</p> <p>2 A I would think it would be -- I understand it's made</p> <p>3 from wood fibers.</p> <p>4 Q Do you know whether during the 1970s, specifically as</p> <p>5 of 1974, whether U.S. Papers used any virgin pulp in</p> <p>6 its production process?</p> <p>7 A I don't recall any.</p> <p>8 Q So it was primarily a recycling mill?</p> <p>9 A Right.</p> <p>10 Q Now, you had listed some types of papers used. How</p> <p>11 would U.S. Papers obtain the materials used to make</p> <p>12 paper?</p> <p>13 A I understand we bought them from other companies that</p> <p>14 dealt in this.</p> <p>15 Q Do you know who those companies were as of 1974?</p> <p>16 A No. I would suppose beer cases came possibly from a</p> <p>17 brewery. I don't know. Or packaging. But I don't</p> <p>18 recall names of companies, no.</p> <p>19 Q I'm going to list off some names and see if it jogs</p> <p>20 your memory a little bit. Have you ever heard of a</p> <p>21 company called Green Bay Recycling?</p> <p>22 A No.</p> <p>23 Q What about Sheboygan Waste?</p> <p>24 A I'm not sure.</p> <p>25 Q Shade Business Forms?</p>

Page 42	Page 44
<p>1 A Shade?</p> <p>2 Q Um-hmm.</p> <p>3 A No. I know the name of the company, but it doesn't</p> <p>4 connect with buying paper.</p> <p>5 Q What about U.S. Paper Supply Company?</p> <p>6 A No.</p> <p>7 Q What about Golper Supply Company?</p> <p>8 A Pardon me?</p> <p>9 Q Golper?</p> <p>10 A No.</p> <p>11 Q Menasha Mill Supply?</p> <p>12 A No.</p> <p>13 Q You had stated that several types of recovered</p> <p>14 fiber -- strike that. When I say the term "recovered</p> <p>15 fiber," do you understand what that means?</p> <p>16 A It's been used already.</p> <p>17 Q So, for example, if you bought some corrugated</p> <p>18 cardboard that was thrown into the pulp vat, that</p> <p>19 corrugated cardboard you would understand as</p> <p>20 recovered fiber?</p> <p>21 A Right.</p> <p>22 Q Okay. So if I use the term "recovered fiber"</p> <p>23 throughout the rest of this deposition, you'll know</p> <p>24 what I'm talking about, correct?</p> <p>25 A Correct.</p>	<p>1 what they called possibly 50/50, mixed paper and</p> <p>2 corrugated.</p> <p>3 Q So the lighter sheets would be half corrugated, half</p> <p>4 mixed paper, approximately?</p> <p>5 A Yes. As I recall, 50/50 mix. But sometimes I,</p> <p>6 myself, found that 50 percent mix was almost too much</p> <p>7 mix. So I would use more corrugated to make a</p> <p>8 stronger sheet.</p> <p>9 Q How was recovered fiber delivered to the De Pere</p> <p>10 mill?</p> <p>11 A Back in the '70s?</p> <p>12 Q Yeah.</p> <p>13 A Railroad car. We used to get beer case bales in.</p> <p>14 And some white paper came in railroad cars, like</p> <p>15 ledger. And semitrailer.</p> <p>16 Q How often would wastepaper be delivered to the</p> <p>17 De Pere mill?</p> <p>18 A I don't know.</p> <p>19 Q After the recovered fiber arrived either by rail or</p> <p>20 by truck, how was it unloaded?</p> <p>21 A By forklift.</p> <p>22 Q Was it packaged in barrel -- bale form?</p> <p>23 A Most of it was in bale.</p> <p>24 Q What types of recovered fiber wouldn't be delivered</p> <p>25 in bale form?</p>
Page 43	Page 45
<p>1 Q Okay. Now, you had stated that as of 1974, there</p> <p>2 were several types of recovered fiber that U.S. Paper</p> <p>3 would use in its production process, including</p> <p>4 corrugated cardboard; old beer cases; kraft, which</p> <p>5 you explained as wet strength; scrap paper produced</p> <p>6 at the mill itself; and then a mix?</p> <p>7 A Mixed paper.</p> <p>8 Q Mixed paper. What was in mixed paper?</p> <p>9 A It could be magazines, possibly books, some</p> <p>10 newsprint, possibly office supply paper, things of</p> <p>11 this nature.</p> <p>12 Q Do you have any knowledge of how much mixed paper</p> <p>13 U.S. Papers purchased as of 1974?</p> <p>14 A No.</p> <p>15 Q What grades of paper could be made from mixed paper?</p> <p>16 A In combination with the corrugated and the longer</p> <p>17 fiber?</p> <p>18 Q Yes.</p> <p>19 A What grades?</p> <p>20 Q Correct.</p> <p>21 A 10-point, 12-point, 14-point and on up. When we made</p> <p>22 the heavier sheets, we used to use almost all</p> <p>23 corrugated and beer cases for the longer fiber,</p> <p>24 because it needed less mix in the heavier sheets.</p> <p>25 But the lighter sheets you had to use</p>	<p>1 A I remember unloading a trailer of newspaper with a</p> <p>2 front-end loader, just loose newspaper. Otherwise,</p> <p>3 it was mainly baled.</p> <p>4 Q How big were the bales?</p> <p>5 A Some were smaller, barely 100 pounds, I remember.</p> <p>6 Then 400 pounds, 500, 300, 800, 1,000 pounds. And</p> <p>7 the beer case bales weighed 1500 -- up to -- 800,</p> <p>8 900 pounds up to like 1900 pounds, the beer case</p> <p>9 bales.</p> <p>10 Q What were the dimensions of the bales?</p> <p>11 A Boy, dimensions. Some were pos -- the mixed paper --</p> <p>12 are we talking about white paper also besides</p> <p>13 corrugated?</p> <p>14 Q Yes.</p> <p>15 A Possibly 30 inches high, close to 30 inches deep, and</p> <p>16 maybe six feet in length, seven.</p> <p>17 Q And what types of papers would be packaged in bales</p> <p>18 of that size?</p> <p>19 A You would get the kraft bales in of the chopped drink</p> <p>20 cartons, like from beer and soda, the brown kraft.</p> <p>21 They were in those types of bales. I can't recall</p> <p>22 the -- we had some that were -- I can't recall if the</p> <p>23 ledger and computer printout, if they came in those</p> <p>24 bales. And we had -- I can't recall if corrugated</p> <p>25 came in those types of bales or not.</p>

<p style="text-align: right;">Page 46</p> <p>1 And at one time, we had double-lined 2 kraft, they called it. It was a heavier, 3 longer-fiber brown paper. Those came -- that came in 4 that type of 30-by-24 or 30 -- and six feet long or 5 seven. 6 Q What about mixed papers? How big were the bales of 7 mixed papers? 8 A Some mixed paper may have been more in an oval-type 9 bale, flatter, oval-type bales. Maybe six to -- six 10 feet, or a little better, longer. But they were 11 flatter and more oval. 12 Some newsprint in those type of bales. 13 It's a long time back to recall what came in -- 14 Q Sure. Once the bales were delivered, where were they 15 stored? 16 A They built a new warehouse years back. And before 17 that, they were mainly stored outside. 18 Q As of 1974, where were they stored? 19 A Outside. 20 Q There was no warehouse as of 1974? 21 A There was an old warehouse, and some of it was 22 stacked inside. There was some space there. And 23 hopefully it was stacked inside, because otherwise 24 they had to go outside for it. But mainly you had to 25 run outside for your paper.</p>	<p style="text-align: right;">Page 48</p> <p>1 Q Stickies were different than wet strength? 2 A Wet strength means a paper that's made to hold up 3 under damp conditions and not fall apart. And we 4 used wet-strength beer cases and kraft for a stronger 5 sheet because they had longer fibers. 6 But the test I'm recalling was to test 7 for stickies, not wet strength. 8 Q Okay. What grades of wastepaper were purchased to 9 produce the white paper? 10 A White, we called it -- CPO I think we called it, 11 computer printout. It was off of computers. 12 Q Were any other kinds of recovered fiber purchased for 13 use in producing white? 14 A Computer printout, and over the years, we 15 incorporated -- and I don't know when that started -- 16 chopped cups, like from Lilly Company and Sweetheart 17 Company, I think. I'm not sure about the name 18 Sweetheart, but it was -- there were cups. Maybe I 19 saw the names on some. But it was soft drink cups. 20 Q Could colored papers be used to make white? 21 A The chopped-cup bales, some had more color than 22 others. Some of them not much color, and some had 23 red in, reds and yellows and -- some more than 24 others. So they could be used, as long as they 25 didn't overdo it on the colored bales, yeah.</p>
<p style="text-align: right;">Page 47</p> <p>1 Q Do you know whether individual bales were sorted once 2 they arrived at U.S. Papers? 3 A Sorted? 4 Q Yes. 5 A According to the types that they were, they were put 6 in rows, mix in this row, corrugated in this row, 7 kraft in those rows. They were kept separate, yeah. 8 Q Whose job was it to sort the bales once they arrived? 9 A Way back, William Bentley was the wastepaper 10 controller. And he unloaded them and stacked them. 11 Q Do you know as of 1974 whether any tests were ever 12 performed on any incoming bales? 13 A I don't recall any. 14 Q Have you ever heard of something called the blender 15 test? 16 A Blender? 17 Q Yes. 18 A We used to make a test for stickies on the paper 19 machine, for adhesives in the sheet. And as I 20 recall, we used a blender and blended up paper and 21 water for that test. 22 Q So it was used to test for stickies? 23 A They called it stickies, yeah. 24 Q Would that also be wet strength? 25 A No.</p>	<p style="text-align: right;">Page 49</p> <p>1 Q Could mixed paper be used to make white? 2 A Mixed. Mainly the computer printout, the cup -- 3 chopped paper cups. And once companies started -- it 4 was switched to a grey paper that was white, but some 5 companies wanted it tinted grey. Then we could use 6 some newsprint in to color it. 7 Q When did that happen? 8 A I don't recall the year. 9 Q Was it in the 1970s? 10 A I don't remember it way back. 11 Q Do you remember whether anybody ever told you that 12 mixed paper couldn't be used in the production of 13 white? 14 A No, it was understood that we had to have clean -- 15 clean furnish to go in. And I don't recall -- we had 16 to use cleaner paper to make white. 17 Q Could office paper be used to make white? 18 A Yes, it -- yeah. Yeah. 19 Q Do you recall office papers being used to make white? 20 A Mainly computer paper. Office paper would -- I don't 21 recall mixing office paper. Possibly. I don't 22 recall. 23 Q Could office paper be used to make brown? 24 A I would think so. 25 Q Were there any grades of wastepaper that U.S. Papers</p>

<p style="text-align: right;">Page 50</p> <p>1 specifically would not use in production?</p> <p>2 A If it was too dirty, had too much contaminants in, it</p> <p>3 could be rejected.</p> <p>4 Q Do you mean a bale could be rejected if it had too</p> <p>5 much contaminants in it?</p> <p>6 A A single bale? All depends on the contamination that</p> <p>7 was in it, I suppose. If it was too much with the</p> <p>8 whole bale, I suppose a little at a time could go in.</p> <p>9 Q What do you mean by "contaminants"?</p> <p>10 A Possibly plastic. Possibly plastic. I suppose if it</p> <p>11 had regular carbon paper in, that dark, old-fashioned</p> <p>12 carbon paper; wax, something with wax in, you</p> <p>13 couldn't put a whole bale on. You would ruin the</p> <p>14 sheet or plug up the hydrapulper with plastic.</p> <p>15 Sometimes we had to pull the stuff out by hand.</p> <p>16 Q But there were no specific types of paper that</p> <p>17 U.S. Papers ever said, "We will not use this in our</p> <p>18 production"?</p> <p>19 A Oh, you had to watch out for poly -- what they called</p> <p>20 poly surface. Sometimes you would have to check -- I</p> <p>21 don't know when we started running into this, but you</p> <p>22 had to watch that you didn't have a bale that looked</p> <p>23 okay until you tore some of it and you found out it</p> <p>24 was vinyl on one side or poly and plastic coated on</p> <p>25 one side. You couldn't use that.</p>	<p style="text-align: right;">Page 52</p> <p>1 something called a side-hill washer?</p> <p>2 A Side-hill washer?</p> <p>3 Q Um-hmm.</p> <p>4 A We had what we called side hills, save-all was</p> <p>5 another name for them.</p> <p>6 Q And what would those do?</p> <p>7 MR. WASKOWSKI: What was the name of it?</p> <p>8 (Discussion off the record.)</p> <p>9 (Previous question and answer read back.)</p> <p>10 THE WITNESS: What would they do? They</p> <p>11 would separate the -- you had overflow -- you had</p> <p>12 overflow paper fibers in water from the paper</p> <p>13 machine, and they went over -- I believe that went</p> <p>14 over both side hills in a room off the paper machine.</p> <p>15 And it would take overflow from the</p> <p>16 paper machine, from their pit, pump it over one or</p> <p>17 both of those save-alls. And the water would go</p> <p>18 through the screen into a water pit, and the -- what</p> <p>19 we called the stock, the solid fiber, would roll down</p> <p>20 the screen down the side hill into a trough and be</p> <p>21 reused.</p> <p>22 BY MR. STEFFEK:</p> <p>23 Q So if paper that went into the pulper had ink on it,</p> <p>24 would that ink end up in the finished product?</p> <p>25 A I don't know if it would stay in the paper or if it</p>
<p style="text-align: right;">Page 51</p> <p>1 Q What types of paper would be poly or plastic coated?</p> <p>2 A I think it would be in the mixed paper, but what it</p> <p>3 was made for, I don't recall.</p> <p>4 Q Did you ever see papers that were poly or plastic</p> <p>5 coated?</p> <p>6 A Oh, yes. Yeah.</p> <p>7 Q What did they look like?</p> <p>8 A Mainly white. Just white. Just white.</p> <p>9 Q Who told you that this paper couldn't be used?</p> <p>10 A I don't recall the years or the time frame when we</p> <p>11 started running into that. Perhaps the wastepaper</p> <p>12 buyer over the years. Finding out when you got it in</p> <p>13 the hydrapulper, you knew you had to watch out for it</p> <p>14 by experience. And then, of course, you would talk</p> <p>15 with the -- with the paper buyer that you ran into</p> <p>16 it.</p> <p>17 Q Would you ever talk with the paper buyer?</p> <p>18 A Yeah, yeah. Over the years, the latter years, I knew</p> <p>19 the wastepaper buyer better than I did -- well, he</p> <p>20 was the only one that I knew. Way back I don't know</p> <p>21 who bought the paper.</p> <p>22 Q Was U.S. Paper able to remove any ink from any of the</p> <p>23 paper that it used as recovered fiber?</p> <p>24 A I don't recall any -- any way of taking ink out.</p> <p>25 Q Do you recall the paper-making process incorporating</p>	<p style="text-align: right;">Page 53</p> <p>1 would stay in the water.</p> <p>2 Q Have you ever heard the term "broke"?</p> <p>3 A Broke, yes.</p> <p>4 Q What is your understanding of the term "broke"?</p> <p>5 A Broke is leftover paper from a -- after a product has</p> <p>6 been made.</p> <p>7 Q Did U.S. Papers ever purchase any broke from any</p> <p>8 outside parties for use in its production process?</p> <p>9 A Broke. I don't recall it being called broke, but we</p> <p>10 would get in trailers of corrugated -- corrugated on</p> <p>11 pallets, boxes, leftover boxes.</p> <p>12 Q And where would those come from?</p> <p>13 A As I recall, the only name I can think of is -- I'm</p> <p>14 not sure if it was James River or what. I want to</p> <p>15 say James River, but I'm not positive on James River.</p> <p>16 Q From when you started at U.S. Papers through the</p> <p>17 1970s, do you remember any substantive changes in</p> <p>18 what type of recovered fiber was used in the</p> <p>19 production process at the De Pere mill?</p> <p>20 A Excuse me, can I back up a bit to that last question?</p> <p>21 Q Sure.</p> <p>22 A Over the years, we used to get -- way back, I don't</p> <p>23 remember. But over the years we got scrap cores in</p> <p>24 from other companies. And some of those were in this</p> <p>25 type of bale and long. But when we started getting</p>

<p style="text-align: right;">Page 54</p> <p>1 those, I don't know if it was way back or not.</p> <p>2 MR. STEFFEK: Read back the question,</p> <p>3 please.</p> <p>4 (Previous question and answer read back.)</p> <p>5 THE WITNESS: Any changes? This was your</p> <p>6 last question, though?</p> <p>7 BY MR. STEFFEK:</p> <p>8 Q Yes.</p> <p>9 A Any changes. Basically the same. At one point, we</p> <p>10 were getting in egg cartons, egg cartons. I don't</p> <p>11 remember that way back. In the latter years, we were</p> <p>12 using egg cartons. And I don't remember that way</p> <p>13 back. But basically it's been corrugated beer cases,</p> <p>14 kraft, and mixed paper and computer printout and</p> <p>15 office waste. I can't think of a major change, no.</p> <p>16 And paper-cup bales, yeah.</p> <p>17 Q Do you know how much recovered fiber would be</p> <p>18 required to make a ton of finished product?</p> <p>19 A No.</p> <p>20 Q When you were a pulper operator in the 1970s, how</p> <p>21 much recovered fiber would be placed in the pulper</p> <p>22 per shift?</p> <p>23 A I can't say the poundage.</p> <p>24 Q Do you remember approximately how many bales would be</p> <p>25 placed in per shift?</p>	<p style="text-align: right;">Page 56</p> <p>1 A On a slight angle, yeah.</p> <p>2 Q How high was the wall of the hydrapulper?</p> <p>3 A The wall itself was possibly 24 inches from the</p> <p>4 floor. And that's the maximum that the mixture could</p> <p>5 come up to above the floor.</p> <p>6 Q Was there a fence surrounding the hydrapulper so an</p> <p>7 individual wouldn't fall in?</p> <p>8 A Well, there was a shroud, we called it, I think a</p> <p>9 shroud around it above -- a metal shroud, yeah.</p> <p>10 Q Would the conveyor belt go over the shroud?</p> <p>11 A That shroud was cut out on one side.</p> <p>12 MR. STEFFEK: Could you repeat his last</p> <p>13 answer for me?</p> <p>14 (Previous answer read back.)</p> <p>15 BY MR. STEFFEK:</p> <p>16 Q Did the conveyor belt come from a separate level as</p> <p>17 where it went into the hydrapulper, or was that all</p> <p>18 on the same level?</p> <p>19 A No. The conveyor belt itself was on an angle, and it</p> <p>20 started out on the floor of the pulper room, possibly</p> <p>21 24 inches high. Then it went on an angle higher into</p> <p>22 the hydrapulper.</p> <p>23 Q And at the point the recovered fiber went into the</p> <p>24 hydrapulper how high was the conveyer belt?</p> <p>25 A Possibly five feet, a little better. Between five</p>
<p style="text-align: right;">Page 55</p> <p>1 A No.</p> <p>2 Q How were the bales of recovered fiber placed in the</p> <p>3 pulper?</p> <p>4 A Well, we would take the forklift, go to where the</p> <p>5 bales were stacked, pick up one or two on the forks,</p> <p>6 drive back to the hydrapulper. And there was a</p> <p>7 slanted conveyor that ran up and dumped the paper</p> <p>8 into the pulper. If you had one bale on the forks,</p> <p>9 you had a wire cutters on your belt, and you cut off</p> <p>10 all the wires except what you needed to hold the bale</p> <p>11 from falling apart. And then you would dump the bale</p> <p>12 on a conveyor, got up and cut the wires off and tied</p> <p>13 them on the side of the conveyor if you couldn't pull</p> <p>14 them off, and then you ran the conveyor ahead, and</p> <p>15 the paper entered the hydrapulper.</p> <p>16 Q So the bales weren't opened until they were on this</p> <p>17 conveyor belt?</p> <p>18 A Right.</p> <p>19 Q How long was the conveyor belt?</p> <p>20 A Possibly 15 feet.</p> <p>21 Q Do you remember how fast it moved in the 1970s?</p> <p>22 A Pretty slow.</p> <p>23 Q Once the bale was opened on the conveyor belt --</p> <p>24 strike that. You alluded to the fact that the</p> <p>25 conveyor belt had to go up some; is that correct?</p>	<p style="text-align: right;">Page 57</p> <p>1 and six feet.</p> <p>2 Q Once the bales were opened on the conveyor belt, were</p> <p>3 you responsible for looking at the open bale?</p> <p>4 A Oh, sure. You had to visually look at it.</p> <p>5 Q What were you looking for?</p> <p>6 A Wax, a board or something that -- contaminants.</p> <p>7 Q If you found a contaminant, what would you do?</p> <p>8 A Pull it off, if you could.</p> <p>9 Q What if you couldn't?</p> <p>10 A If you couldn't, a board you couldn't get out? You</p> <p>11 made an effort to get it out, if you could. You had</p> <p>12 to -- you had to get it out if you could. If it was</p> <p>13 a board that was impossible to get out, a short</p> <p>14 length, it would go in the hydrapulper.</p> <p>15 Q Were you ever, once the bales were open, looking for</p> <p>16 any specific type of paper?</p> <p>17 A Corrugated box with wax coating on it, for instance.</p> <p>18 Q And if you saw a corrugated box with a wax coating,</p> <p>19 you would pull it out?</p> <p>20 A If it was possible, yeah.</p> <p>21 Q And if it wasn't possible, it went into the</p> <p>22 hydrapulper; correct?</p> <p>23 A Correct.</p> <p>24 Q Any other kinds of paper that you were looking for as</p> <p>25 it went up the conveyor belt and into the</p>